

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13, 15, 16, 18-35 are pending in this case. Claims 1, 7, 12, 13, 15, and 18 are amended and new Claims 20-35 are added by the present amendment and add no new matter. For example, amended Claims 1, 7, 12, 13, 15, and 18 and new Claims 20-35 are supported by the specification at page 7, lines 17-25, page 8, lines 7-14, page 9, lines 4-19, and page 10, lines 13-25.

In the outstanding Office Action, Claims 15 and 18 were rejected under 35 U.S.C. §101 and Claims 1-13, 15, 16, 18, and 19 were rejected under 35 U.S.C. §102(b) as anticipated by Kenyon et al. (U.S. Patent No. 6,957,195, hereinafter "Kenyon").

With regard to the rejection of Claims 15 and 18 under 35 U.S.C. §101, Claims 15 and 18 are amended to recite "A computer-readable storage medium encoded with program code" in accordance with MPEP §2106(IV)(A)(1)(a). Thus, it is respectfully submitted that Claims 15 and 18 are in compliance with all requirements under 35 U.S.C. §101.

With regard to the rejection of Claim 1 under 35 U.S.C. §102(b) as anticipated by Kenyon, that rejection is respectfully traversed.

Independent Claim 1 recites a system for electronic media distribution comprising,  
*inter alia*:

a data repository for storing a respective metadata item  
corresponding to multiple media items, each metadata item  
containing metadata relating to the generation of the  
corresponding media item.

Kenyon is directed towards "compensating a developer,"<sup>1</sup> i.e. allocating payments from a user to developer of media items. To assist this, an identification record is embedded

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<sup>1</sup>Kenyon, column 4, line 4.

*in the created media content* before it is distributed to the user.<sup>2</sup> When the content is used by a user, the identification record is recovered from the content and rendering of the content is reported so that the developer may be compensated.<sup>3</sup>

However, Kenyon does not in fact describe a database/data repository for storing metadata associated with multiple media items. The outstanding Office Action cited column 4, lines 50-67 of Kenyon as describing “a data repository.”<sup>4</sup> However, the cited portion of Kenyon neither teaches nor suggests the use of a database/data repository for storing metadata for multiple media items, as recited in amended Claim 1. Instead, this portion of Kenyon describes embedding an identification record in the media itself and recovering it once it has been transmitted to a user. Thus, even assuming *arguendo* that the identification record is “metadata,” the media itself only includes “metadata” from a single media item, not *multiple media items* as recited in amended Claim 1.

The outstanding Office Action also cited column 7, line 66 to column 8, line 1 of Kenyon with respect to “a data repository.”<sup>5</sup> However, this portion of Kenyon only describes a mass storage 1008 device which may be used to store content 404. Content 404 is described previously in Kenyon as having a single owner and a single version, and is thus a single media item.<sup>6</sup> Thus, even assuming *arguendo* that content 404 includes “metadata,” mass storage device 1008 does not store “metadata” corresponding to *multiple media items* as recited in amended Claim 1.

Further, Kenyon neither teaches nor suggests that metadata may be associated with content generation of associated media items or content rights/copyright management. This advantage, provided by at least embodiments of the present invention, means that successful/popular media may be advantageously tracked by relating the media item to the

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<sup>2</sup>See Kenyon, column 4, lines 54-55.

<sup>3</sup>See Kenyon, column 6, lines 6-14.

<sup>4</sup>See the outstanding Office Action at page 3, lines 1-3.

<sup>5</sup>Id.

<sup>6</sup>See Kenyon, column 4, line 63 to column 5, line 10.

stored metadata and using a reception indicator indicative of a number of users receiving that media item. At future planning/commissioning stages, this may then be used to predict which media items are also likely to be successful/popular.

Moreover, the use of a database to store copyright metadata relating to media items distributed to an end-user also means that royalties relating to media items comprising the emitted media item can be efficiently calculated.

Consequently, as Kenyon does not teach “a data repository” as defined in amended Claim 1, it is respectfully submitted that Claim 1 (and Claims 2-6 dependent therefrom) is not anticipated by Kenyon and is patentable thereover.

Independent Claims 7, 12, and 13 recite similar elements to Claim 1. It is respectfully submitted that Claims 7, 12, and 13 (and Claims 8-11, 15, 16, 18, and 19 dependent therefrom) are patentable over Kenyon for at least the reasons discussed above with respect to Claim 1.

New Claims 20-24 are supported at least by the specification at page 7, lines 17-25, page 8, lines 7-14, and page 9, lines 4-19. As Claims 20-24 all depend from Claim 1, Claims 20-24 are allowable for at least the reasons described above with respect to Claim 1. Further, each of these claims recites subject matter that further defines over Kenyon.

Claim 20 recites “means for logging a *distribution time* with a transport identifier for a transmitted media item.” In contrast, Kenyon describes that a date and time of the *usage* of the single media item can be stored, not the distribution time.<sup>7</sup> Thus, Claim 20 further patentably defines over Kenyon.

Claim 21 recites “means for viewing figures generated at an analysis stage and associated with a metadata item.” In contrast, Kenyon merely describes creating a report of

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<sup>7</sup>See Kenyon, column 6, lines 48-50.

the usage of a content 404, *not* viewing any figures.<sup>8</sup> Thus, Claim 21 further patentably defines over Kenyon.

Claim 23 recites “means for assigning different material identifying codes for different versions of a media item at a time the media item is distributed.” In contrast, Kenyon describes that version information 504 (asserted as a “material identification code” by the outstanding Office Action at page 3, lines 18-19) is assigned *before* content 404 is distributed.<sup>9</sup> Therefore, Claim 21 further patentably defines over Kenyon.

Claim 23 recites “means for associating metadata items with each material identifying code recorded for each distributed version of a media item and saving the metadata items with each material identifying code in the data repository.” As noted above, Kenyon does not describe that information pertaining to multiple media items are saved in any “repository.” Accordingly, Kenyon does not teach or suggest “means for associating” as defined in new Claim 23.

Claim 24 recites “means for monitoring a final version of a distributed media item and subsequently modifying the material identifying code at distribution to include a form in which program is distributed.” In contrast, Kenyon does not describe modifying the version information 504 at all, much less modifying the version information 504 at distribution to include a form in which content 404 is distributed. Thus, Claim 24 further patentably defines over Kenyon.

New Claim 25 is supported at least by original Claim 1. As Claim 25 recites similar elements to Claim 1, it is respectfully submitted that Claim 1 is patentable over Kenyon for at least the reasons discussed above with respect to Claim 1.

New Claims 26-35 are supported at least by original Claims 2-6 and the specification at page 7, lines 17-25, page 8, lines 7-14, and page 9, lines 4-19. As Claims 26-35 all depend

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<sup>8</sup>See Kenyon, column 7, lines 14-19.

<sup>9</sup>See Kenyon, column 5, lines 5-10.

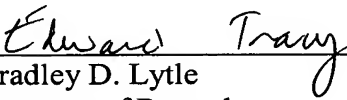
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from Claim 25, Claims 26-35 are allowable for at least the reasons described above with respect to Claim 25. Further, each of Claims 31-35 recites subject matter that further defines over Kenyon, as noted above with respect to new Claims 20-24.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Edward Tracy  
Registration No. 47,998

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